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FINANCO FINANCIAL, INC.,
AHMED YAMA ASEFI, and
AAROON SADAT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROSA GALINDO, MARIA GALINDO,

Plaintiffs,

vs.

FINANCO FINANCIAL, INC.; PATRICK
PATCHIN; AHMED YAMA ASEFI;
AAROON SADAT; NAZIA
NAWABZADA; COUNTRYWIDE BANK,
N.A.; COUNTRYWIDE FINANCIAL
CORP.; HOMECOMINGS FINANCIAL
NETWORK; COMMONWEALTH LAND
TITLE COMPANY; JOSEPH ESQUIVEL;
PAMELA SPIKES; and DOES 1-100;

Defendants.

Case No. 3:07-cv-3991-SC

**RE-NOTICE OF MOTION AND
MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM**

DATE: May 9, 2008
TIME: 10:00 a.m.
COURT: Courtroom 1, 17th Floor
450 Golden Gate Ave.
San Francisco, CA

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on May 9, 2008, at 10:00 a.m., or as soon thereafter as the matter may be heard in Courtroom 1 of the above-captioned court, Honorable Samuel Conti presiding, located at 450 Golden Gate Avenue, San Francisco, California, defendants FINANCO FINANCIAL, INC., AHMED YAMA ASEFI, and AAROON SADAT (collectively, "Defendants") will and hereby move the court for an order dismissing the following of plaintiffs' claims in the Second Amended Complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6):

RE-NOTICE OF MOTION AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM

- 1 1. The third cause of action for alleged violation of the Truth in Lending Act (“TILA”)
- 2 against FINANCO FINANCIAL, INC.
- 3 2. The fourth cause of action for alleged violation of the Real Estate Settlement
- 4 Procedures Act (“RESPA”) regarding Defendants’ alleged failure to provide
- 5 disclosures to Plaintiffs relating to Plaintiffs’ loans.
- 6 3. The fifth cause of action for fraud (intentional misrepresentation) against defendants
- 7 AHMED YAMA ASEFI and AAROON SADAT.
- 8 4. The sixth cause of action for fraud (concealment) against defendants AHMED
- 9 YAMA ASEFI and AAROON SADAT.
- 10 5. The seventh cause of action for fraud (negligent misrepresentation) against
- 11 defendants AHMED YAMA ASEFI and AAROON SADAT.
- 12 6. All causes of action against defendants AHMED YAMA ASEFI and AAROON
- 13 SADAT based on an alter ego theory.
- 14 7. The ninth cause of action for alleged violation of the California Consumers Legal
- 15 Remedies Act (“CLRA”) against Defendants.
- 16 8. The twelfth cause of action for civil conspiracy against Defendants.
- 17 9. The thirteenth cause of action for alleged violation of California Civil Code Section
- 18 1632 against Defendants.

19 This motion is based upon this notice and motion, the memorandum of points and authorities
20 and reply brief previously filed, the pleadings, files and records in this action, and on such further
21 evidence and argument as may be submitted to the court in connection with the motion.

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23 Dated: March 13, 2008

LITIGATION ADVOCATES GROUP

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25 By: _____
26 SCOTT HAMMEL, ESQ.

27 Attorneys for Defendants
28 FINANCO FINANCIAL, INC.,
AHMED YAMA ASEFI,
and AAROON SADAT